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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,464	12/07/2000	Ulf Sawert	DP-303327	1232

7590 01/02/2003

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EXAMINER

HYLTON, ROBIN ANNETTE

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,464

Applicant(s)

SAWERT ET AL.

Examiner

Robin Hylton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1 and 6-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal et al. (US 5,660,206) in view of Abu-Isa (US 6,395,357).

Neal teaches a fuel tank and an associated cover assembly wherein the fuel tank has a barrier layer. Neal is silent regarding the cover assembly also having a fuel permeation barrier layer.

Abu-Isa teaches it is known to provide a fuel permeation barrier layer of EVOH to a fuel tank and an associated cover assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of an EVOH barrier layer to the tank cover assembly of Neal. Doing so would ensure no vapors or fuel escape the closed tank.

Regarding claims 9 and 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the barrier layer of a thickness of approximately 0.2 mm to 2.0 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding claims 6-8 and 15-17, blade terminal **24** is connected to the cover assembly.

Claims 7 and 16 are a product-by-process claims which does not further limit the structure of the claimed cover assembly.

3. Claims 1,5-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kloess et al. (US 6,357,618) in view of Duhaime et al. (US 5,425,470).

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Kloess teaches the claimed cover assembly **20** except for a fuel permeation barrier layer (see abstract).

Duhaime teaches it is known to provide a fuel permeation barrier layer to a fuel tank cover assembly (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of an EVOH barrier layer to the tank cover assembly of Duhaime. Doing so would ensure no vapors or fuel escape the closed tank.

Regarding claims 9 and 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the barrier layer of a thickness of approximately 0.2 mm to 2.0 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding claims 6-8 and 15-17 regarding a blade terminal, by definition of a module, the cover must have a blade terminal thereon. Additionally, claims 7 and 16 are a product-by-process claims which does not further limit the structure of the claimed cover assembly.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Reamy (US 1,979,706).

Kloess as modified teaches the claimed cover assembly except for raised portion extending axially from a base wall and opposite a skirt of the cover.

Reamy teaches a cover having a base wall **7**, a raised portion **6** extending axially from the base wall, and a skirt **5** extending axially from the base wall opposite the raised portion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a raised portion extending axially from the base wall of the modified cover of Kloess. Doing so would provide a protective structure for the electrical

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connections during shipping wherein the raised portion extends axially beyond the end of the terminal blade.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kloess in view of Duhaime and Reamy.

Kloess teaches the claimed cover assembly **20** except for a fuel permeation barrier layer (see abstract).

Duhaime teaches it is known to provide a fuel permeation barrier layer to a fuel tank cover assembly (see abstract).

Reamy teaches a cover having a base wall **7**, a raised portion **6** extending axially from the base wall, and a skirt **5** extending axially from the base wall opposite the raised portion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of fuel permeation barrier layer and a raised portion extending axially from the base wall to the tank cover assembly of Duhaime. Doing so would ensure no vapors or fuel escape the closed tank would provide a protective structure for the electrical connections during shipping wherein the raised portion extends axially beyond the end of the terminal blade.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various fuel tank covers are cited for their disclosures.

8. This Office action is made non-final in view of the new rejections.

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9. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

10. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number (703) 305-3579 on the date shown below:

Typed or printed name of person signing this certificate

Signature_____

Date_____

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (703) 308-1208. The examiner works a flexible schedule, but can normally be reached on Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (703) 308-2572.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bemby at (703) 306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

RAH
December 30, 2002


Robin A. Hylton
Patent Examiner
GAU 3727